

Remarks/Arguments:

This amendment is a response to the Office Action mailed on September 21, 2004.

In that action, the Examiner rejected claims 1-4 under 35 U.S.C. §102(b) as being anticipated by Chamberlen, U.S. Patent No. 5,584,409.

The applicants have amended claim 1 to overcome the Examiner's rejection. The applicants respectfully assert that the Chamberlen reference does not disclose the unique structure of the Amended Claims. The Chamberlen reference discloses a fundamentally different structure defined by the pending claims. The Chamberlen reference fails to disclose a "self-supporting base" as recited in claim 1. Rather, Chamberlen discloses an adhesive layer (42) that the Examiner characterized:

Although valve 10 can be heat sealed or otherwise affixed (without the need of adhesives) to the wall 12 of bag container 14, as shown in FIGS. 2 and 3, an adhesive component 42 is employed in the embodiment illustrated. Adhesive component 42 is adhered to the bottom surface 22 of rigid component 18.

It should be noted that with or without the adhesive component 42, valve 10 can be secured to the wall 12 of bag container 14 by any suitable bonding technique, for example, heat sealing, ultrasonic sealing, radio frequency sealing and the like. In any event, valve 10 is secured to the wall 12 of the bag container 14, for example, as shown in FIGS. 3, 4, and 5.

(409 patent, col. 6, lns. 62-67; col. 7, lns. 14-20]. The applicants have amended claim 1 such that the base is self-supporting. The adhesive layer (42) disclosed in the Chamberlen patent is not self-supporting. Therefore, Chamberlen does not disclose a base mountable to a support surface as recited in claim 1. A self-supporting base structure provides for greater ease in transferring the pressure relief valve to the support surface.

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Additionally, the Chamberlen reference does not disclose an inner rail having a uniform thickness and elevation as recited in the amended claims. Chamberlen discloses a rigid component (18) that has a raised plateau at the highest portion above the chamber. By having a raised portion in the rigid component, the film cannot extend downward into the passageway defined by the inner rails to cover and seal off the aperture, preventing gas from flowing through the valve. The invention of amended claim 1 does not have a raised section; the inner rails are flat rather than having a raised section. By excluding a raised portion, the packages or product to which the valve is attached can be stacked in less space than a valve having a raised central portion as disclosed in Chamberlen. Moreover, the valve of the amended claims can be produced in a more cost effective and efficient manner. Finally, the valve of the amended claims prevents the use of additional tools, manufacturing steps and increased costs recited in the summary of the invention.

Accordingly, the applicants request reconsideration and allowance of the pending claims.

Respectfully submitted,



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